

C. APPLICANT'S COMMENTS

Claims 1-20 are pending in this Application with Claims 1, 8, 15 being amended. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 1-20 is respectfully requested. The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

The Official Action rejected as-filed Claims 1-20 under 35 U.S.C. §102(b) as being anticipated by Kenyon (U.S. Patent No. 2,792,650). The Applicant respectfully disagrees with this rejection particularly in view of the amendments made to the claims.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under section 102(b), anticipation requires that the prior art reference disclose, either expressly or under the principles of inherency, every limitation of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added). Anticipation requires the disclosure in a single prior art reference of each element of the claim under

consideration. *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Kenyon (U.S. Patent No. 2,792,650) merely teaches a “power operated latch and angling mechanism” for snowplows and the like. The Official Action stated that Kenyon teaches “a connecting member (46) slidably attached to the support structure”. The Applicant respectfully disagrees. As shown in Figure 2 of Kenyon, the “semi-circular frame 46” pivots about a “pivot pin 44”. (Column 3, Lines 22-24.) Hence, the semi-circular frame (46) of Kenyon is not “slidably” attached to a support structure.

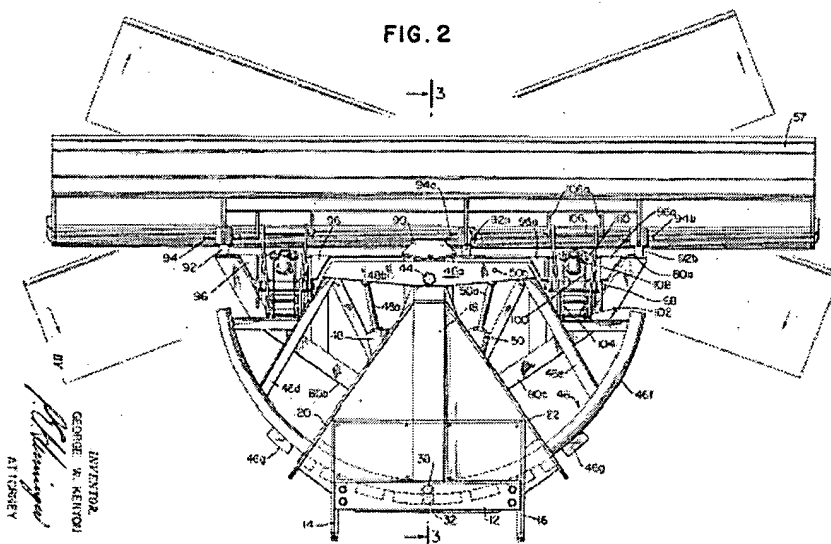


Figure 2 of U.S. Patent No. 2,792,650

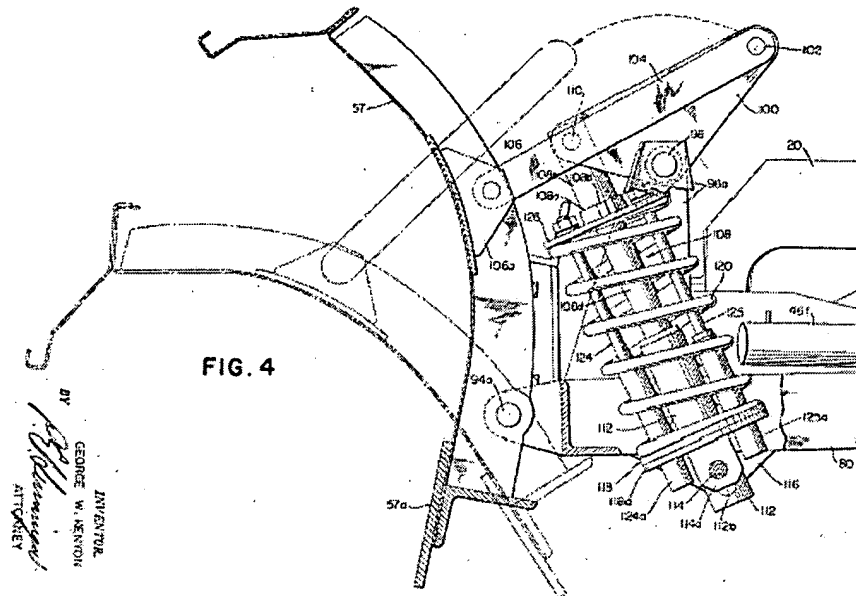


Figure 4 of U.S. Patent No. 2,792,650

To further clarify independent Claims 1, 8 and 15 of the present application, the Applicant has incorporated language that states that the “connecting member [is] slidably attached to said support structure in a substantially longitudinal manner”. The Applicant has further amended Claims 1, 8 and 15 to state “a pitch actuator attached between said connecting member and said support structure for manipulating said connecting member in said substantially longitudinal manner for controlling a pitch of said implement structure”. Kenyon does not teach/suggest this structure/functionality nor is Kenyon capable of being modified to operate in this manner.

The present invention utilizes a pitch actuator (60) to control the pitch of the implement structure. More particularly, the pitch actuator in the present invention moves both of the yaw actuators (70, 72) forwardly and rearwardly in a substantially longitudinal manner. Figures 2 and 3 of the present application clearly show the operation of the pitch actuator controlling the pitch of the implement structure (see also Figures 4 and 5 of the present application).

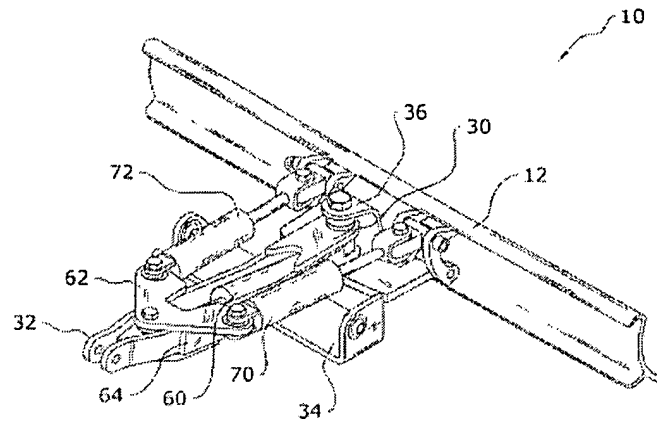


Fig. 1

Figure 1 of Present Application

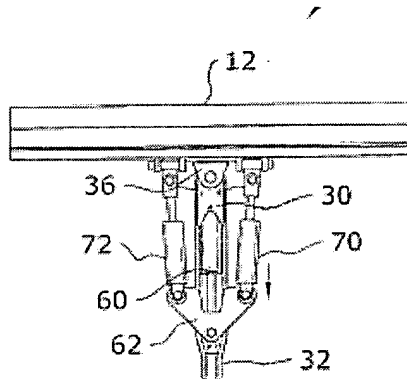


Fig. 2

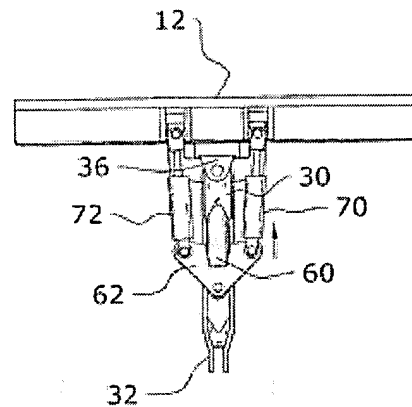


Fig. 3

Figures 2 and 3 of Present Application

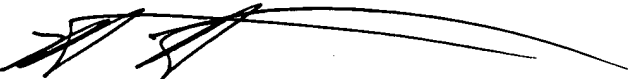
As shown in Figure 4 of Kenyon (see above), Kenyon simply does not have any *pitch* control for the implement structure. Kenyon merely has a “trip spring and linkage system” that trips when an obstacle is engaged by the blade. (Figure 4; Column 1, Lines 67-71; Column 6, Lines 52-60.)

The Applicant respectfully submits that Kenyon does not qualify as appropriate prior art under 35 U.S.C. §102(b) as Kenyon does not disclose (expressly or inherently) all of the elements of independent Claims 1-20.

D. CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,



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On November 29, 2004.


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